

Governor's Message.

We give up much of our space to-day to the Message of Governor HODGEN. As faithful chroniclers of events, its great length cannot deter us from giving to the public the State papers of our Executive office, whatever may be its character. We have not the space to comment on this document, and we suppose all of our readers will avail themselves of the opportunity to read it. As the Message of the Governor of the State, it behooves us to give it that attention it merits, as questions of great State interests are discussed and some specific measures recommended. We may refer to them more in detail.

The Legislature.

A quorum of the Senate appeared in their seats on Tuesday. The credentials of Messrs. Avery, Graham, Oates and Stevens were presented and referred to the Committee on Privileges and Elections. Subsequently the committee reported recommending that Messrs. Graham and Stevens be permitted to take their seats. Having examined Mr. Avery, they find that he was a Solicitor before and during the war, but had not taken an oath to support the Constitution of the United States, and that Mr. Oates was Sheriff before the war. The committee submitted the question of their eligibility to the Senate. No action was taken beyond the qualifying of Messrs. Graham and Stevens. The Governor's Message was read and twenty copies for each member were ordered to be printed. Senate adjourned.

In the House, after reading the Governor's message, a resolution paying Sheriff ten cents mileage while traveling to make election returns was debated and passed. The House adjourned.

No More Rations.

In the district of which Washington city is the centre, it has been announced that no more government rations are to be served out to negroes who have been fed since the war. It is reported that there are ten thousand of the "wards of the government" in the Metropolis who would have starved if they had not been fed by the Bureau.

Just so. The services of the poor negroes will not be again required until 1872. In the meantime let them retire to the country, hire themselves to their former masters, eschew the city vagabond life they have been leading, acquire habits of economy, lay by their small earnings, and in 1872 they may have learned who are really their best friends.

What Next?

With the supposed conservative feelings of General Grant, and the fact that, with those disfranchised, a majority of the white people of the United States voted against him, we have reason to expect that his administration will be marked by moderation and justice to all sections and to all parties. Yet we have cause to fear that other counsels will prevail. Already we see the beginning of a bitter strife between the two divisions of the Republican party for the control of the policy of the incoming administration, and we believe that the Radical wing will fortify themselves by forcibly making a two-thirds majority in the House of Representatives, even if they do not require pledges from General Grant in advance of the meeting of the Electoral Colleges in the several States in December. By throwing out a few Democrats from Pennsylvania, Ohio and Indiana, whose seats are contested, and by refusing to admit the Democratic members from the Southern States, the work is done, and as supreme control over the President elect is secured as they now have over Mr. Johnson. And the disposition already evinced to do this very thing is the best evidence that the ultra men do not feel secure of the support of General Grant to their wild schemes of Radical reformation in national politics.

But still it will not do to despise the ravings of such men as WENDELL PHILLIPS and General BUTLER. They are representative men and have most powerful support in able journals and among the masses of the people. These men and those they represent are determined to get control of General Grant's Administration and work it, or break with it and oppose it. As an agitator and fomenter of hatred BUTLER has been most successful, and has met with the most flattering endorsement, although opposed by the ablest and most influential portion of his party at home. He proposes to fill the place of THAD. STEVENS, and by continued agitation force the incoming administration to adopt or oppose his measures, which he believes, in either event, will make him master of the situation.

WENDELL PHILLIPS is more explicit in his declarations. He demands that reconstruction shall be reconstructed. The Constitution must be amended in order to bestow on negroes the right of suffrage and the power to hold office in every State; the confiscation of Southern lands for division among the blacks, and the arming of the Southern negroes and "loyal" whites to support these measures and themselves in these possessions. In a word, he desires no peace until such antagonism is forced between the races in this section that one or the other will be exterminated.

We suppose something of the future policy of the successful party will be foreshadowed in the legislation during the second session of the Fortieth Congress, which soon meets, and in the personnel of Grant's Cabinet. These are matters of the direst importance to the Southern people, but one over which they have no control, and we fear their interest, as we know their feelings, will not be consulted. If they are not altogether sacrificed we should be anxious for our country's welfare, and interested for our own. Our support or opposition is of no consequence, and either may be hurtful.

As this new warfare progresses it must

necessarily awaken a lively and anxious interest among our people. However we may feel or act, Southern reconstruction, with a view to the future weal of the Republic, and without regard either to Southern interests or the welfare of the whole country, will be the apple of discord, and may yet prove the fatal rock upon which their party will be dashed to pieces. Congress will soon meet, and the beginning of the end will appear.

The Result.

Our table to-day contains the complete official vote of the State, with the exception of Yancey county. It will be seen that the Radical majority is twelve thousand four hundred and seventy-six, which will be reduced about two hundred by Yancey. It will be seen that the gallant DURHAM is elected by eighteen majority. Doubtless much fraud was practiced to defeat him, and more will yet be attempted to deprive him of his seat, and may possibly succeed, but the strength of Radicalism is broken in our Western counties. In the future it will be a Democratic stronghold.

The result in the State has disappointed us. We hoped for success. We shall examine the vote more in detail hereafter. There are important lessons to be learned from these figures, and we trust our people will be benefited by them.

Code of Civil Procedure.

From the following letter from the Salisbury Old North State, it will be seen that it is proposed to hold a meeting of the Bench and Bar of the State, at Raleigh, for the purpose of a full interchange of opinions as to what changes are necessary in our Code. The letter emanates from a distinguished Republican officer under the Government, and cannot be viewed as a party movement.

We trust that something will be done in this matter. That change is necessary no lawyer or intelligent gentleman in the State will deny, and we know of no better plan than the one proposed. This is a matter above party, affecting all. And since the people of North Carolina have decided to give the present system of laws a fair trial, let them be perfected as far as the legal ability of the State can do so.

We hope, therefore, there will be a large attendance of the lawyers present on the occasion, and that something will be done to reform some of the crying evils of our present Code.

The letter is as follows:

Editor of the Old North State: By your constitution the distinction between law and equity has been abolished, and there can only be one form of action for all suits, and three Commissioners were appointed to report rules of practice and procedure to the General Assembly in lieu of our former practices.

These gentlemen ask a "generous criticism" of their labors from the legislature, and also from the profession, which they will regard as a kindly spirit, and every effort directed in good faith to improve the administration of justice. In pursuance of our constitution many important changes have been made by our commissioners, and time will show their wisdom.

I propose through your paper, that the Judges of the Supreme and Superior Courts of the State, together with the whole legal profession, meet in Raleigh on Wednesday next, for the purpose of next (the Legislature then being in session) and that they, together with our Commissioners, interchange opinions as to what changes should be made in our laws. In this way, I take it, great benefit can be done our whole people. Let all attend for the accomplishment of good and memorialize the Legislature if necessary.

ONE OF THE PROFESSION.

From the National Intelligencer. Agitation by Carpet-Baggers. The New York Tribune seems to have been satiated with carpet-bag agitations to the sickening point. We copy:

"We have been asked to publish a call for a national convention to meet in New York, to consider what legislative or other action is needed to secure the rights of property of loyal citizens in the late rebel States."

"We decline to print the call, because it is not a responsible signature, and no such convention is required. The better part of those at the South who supported Seymour and Blair in our late struggle seek now to desert to the efforts to secure peace and prosperity to the South and to the whole country. We trust those efforts, heartily seconded by those of General Grant and his advisers, will be successful. Let us wait and note carefully the effect produced at the South by Gen. Grant's election, before we undertake to promote a new civil war. Let us not provoke further turbulence and outrage by needless anticipations."

This is not a bad sign, coming from the quarter it does. We believe it may be truthfully asserted that no one thing has contributed more to the public disturbances and individual outrages in the South than the carpet-bag gentry. There may be exceptions, but, as a general rule, they are a set of people very little calculated to do good. They came South for the purpose of fomenting discord among the races, and they have very diligently pursued their undertaking. The editor of the Tribune may well imagine how much bad blood such men could stir up, and how much mischief of various sorts they could do. If he would render a real service to peace and good order in the South, he could not, in a small way, more effectively achieve it than by calling home these pests. General Grant's prestige, or even a very large standing army, might fail on occasions to save these characters in remote districts from being very summarily dealt with.

We suppose the Tribune knows the sort of characters we refer to. We do not mean Northern men who come South to settle, to make their homes here, to share our prosperity and adversity, and who will feel and take an interest in promoting the common welfare. Such men are desirable acquisitions, and will be welcome. But the mere political adventurers who come for office, to be obtained by exciting bad feelings between blacks and whites; who have nothing, and intend to create nothing by honest industry, we trust even the editor of the Tribune will excuse us for not loving and embracing them.

Negro Women Voting in Mobile. A letter from Mobile, Ala., dated November 13th, says:

The election passed off quietly here. A number of negro women were registered and voted. They were dressed up in men's clothing, and were found out after the election was over. They all voted the Radical ticket.

A curious Enoch Arden case is reported in Ireland. A woman, married ten years ago, was shortly afterward forsaken by her husband, who emigrated to America. At the end of nine years she married again, the second husband, like the first, belonging to the traveling class. Soon after this the return of the first husband was reported; whereupon the woman, who had kept the fact of her first marriage a profound secret, immediately disappeared, and the most diligent search by both husbands has failed to discover her retreat.

FAYETTEVILLE CORRESPONDENCE.

Delta and the Eagle-Collahan's Bond—Judge Baxton—Superior Court—Bishop Gibbons—Presbytery and the Synod—Rev. H. G. Baird—Commercial Masters.

Dear Journal:—In my last I stated, in effect, that "notice had been served upon the proprietors of the Fayetteville 'Eagle' that a suit would be entered against them for libel and defamation of the character of Judge B. P. Baxton." As, upon inquiry, my information was received from two of the proprietors of the Eagle, given both times, before several persons, I had no hesitation in furnishing the statement, as an item of news, to your columns. I said nothing about an official notification; and for this misconstruction of my mention of the supposed suit, and also for the change in the grammatical arrangement of my sentence alluding to it, the Eagle of the 16th inst. (which contains a denial of the fact) is responsible—I am not. I did not wish to create a false impression, but, certainly, in journalism, the names of papers and the papers themselves are as a staple subjects for criticism and the portraiture of the pen as the names and acts of private individuals—which latter are by no means spared. The statement which I made I have every good reason to believe to have been true. Whether the suit will really be brought or not, of course, I have no means of knowing, and in that, of course, I have no interest whatever.

The bond of J. C. Collahan has at length been accepted by the Board of County Commissioners, and he is now regularly installed as Clerk of the Superior Court of Cumberland. His bondsmen are F. A. Hendricks, J. R. Lee, and the irrepressible, boundlessly philanthropic and generous Oliver H. Dockery. Previous examination decided emphatically against the financial validity of the first and last of these names, when affixed to any paper of importance; and should the necessity hereafter arise for a demand by the law upon the securities of this Clerk's bond, it is not believed that even the second bondman, J. R. Lee, would be found possessed of the wherewithal to satisfy any considerable claim.

Judge Baxton, at the opening of Court on Monday, addressed the bar (and whoever else may have been at that time in the Court-room) in a few remarks explanatory of his action with regard to the appointment of the Clerk elect. He stated that he felt it proper to do so, as he was before men among whom all his life had been passed, and who could claim the right to know the motives of his actions. He stated that his last appointment—before the acceptance of the bond—was in effect an extension, which extension he had a right to make, and which Collahan deserved, as a Clerk elected by a majority of the people, and as showing proof that, if allowed time, he could offer a sufficient bond. He also pointed to the fact that the law avoided forfeiture and that equity abhorred it. I have been thus particular in detailing the Judge's explanation of his position, for the reason that the matter has been very generally commented upon in this section of the State, and has formed the occasion for much feeling and controversy. And as I, in my correspondence, have not hesitated to condemn Judge Baxton's course very strongly, it is proper that the JOURNAL should publish by the same pen an unprejudiced statement of the justification. My own opinion here is unnecessary; the affair is at last ended, and nothing can be gained by longer agitating it.

Superior Court opened on Monday, and will continue two weeks. It was not at first thought that there would be a Fall term, but the Clerk having qualified, the business could be carried on. The State docket will consume the whole of this week, leaving the civil docket for the next. I see several members of the Wilmington bar gentlemen, well known ability and legal reputation.

Last week a Catholic Bishop visited Fayetteville, and for the first time in many months the Roman Catholics of this town, of which there are only a small number, had an opportunity of worshipping God according to their own faith. Large numbers of every denomination attended the services on Thursday evening, and Bishop Gibbons' sermon, a doctrinal one, showed considerable ability. He is the youngest Bishop in the United States, being, to judge from his outward appearance, not more than thirty. He is now stationed here, and I predict that the Catholic Church will increase its membership even in this place.

A good many Fayetteville Presbyterians will be in your city this week, in attendance on Synod. In your walks in the street, wherever you meet a very beautiful girl, you will put her down as a Fayettevillian, and on encountering any particularly ugly men you may make the same shrewd guess as to their abiding place. If you wish to hear a sermon which will well repay you by its logical force and rhetorical finish, go to hear the Rev. H. G. Baird, now pastor of the Presbyterian Church of this town. He has a high reputation both as an orator and close reasoner.

I can hardly form a reasonable or correct opinion upon trade in Fayetteville so far. The amount of cotton brought to market to date has fallen considerably below the expectation of buyers. In fact, I believe that the cotton crop will fall very far below the general estimate; in this section it has been very good, but perhaps not so in other parts of the State. But it is certain that the business appearance of Fayetteville has recently greatly improved. There are many handsome stores, containing a large amount of fine goods. Produce is abundant and prices are declining a little. The market is daily supplied with very fine beef.

DELT.

Card Headed Old Democrat. A few nights since a small party were assembled in Gen. Grant's parlor, among them Mr. Dent, his father-in-law, who lives in Missouri. Some one asked him how Missouri had voted. The old man said: "She gives Grant ten thousand majority, but I'll be d—d if he got my vote!" The General himself roared with laughter at the reply. Mr. Dent is justly proud of his Democracy.—Exchange.

Nominations in New York. The Democratic Union City Convention of New York has nominated for mayor the Hon. John Kelly, ex-Sheriff and ex-Congressman, and for corporation counsel, Abraham R. Lawrence, Jr., a distinguished member of the New York bar. Both gentlemen were brought before the convention and accepted the nominations. A. Oakley Hall, Esq., is spoken of as the Tammany nominee for mayor.

A duel with cork bullets took place on an island in the James River the other day.

Presbyterian Synod.

THURSDAY MORNING, NOV. 19.

The Synod was called to order at 10 o'clock by the Moderator, Rev. D. D. McBride, and opened with prayer.

After roll call the minutes of the session the night previous were read and adopted with a few corrections.

The excuses of absentees from the last Synod were read.

Excuses in writing from those not in attendance on this session were received and acted upon.

Statistical reports of the several Presbyteries were called for and presented. Narratives of the state of religion of the several Presbyteries were also submitted and successively accepted and referred to the Committee on Narratives, except that of the Fayetteville Presbytery, which was referred to the Committee to prepare a pastoral letter to the several Churches.

The following Committees were then announced by the Moderator:

On Bills and Overtures—Rev A. Currie, Rev H. A. Monroe, Rev J. Rumples and Elders, D. McKinnon, Rev J. D. Jordan and Elder N. H. Graham.

On the Minutes of Orange Presbytery—Rev J. H. Cagle, Rev Colin Shaw and Elder A. Baker.

On the Minutes of Concord Presbytery—Rev M. McQueen, Rev D. E. Jordan and Elder N. H. Graham.

On the Minutes of Fayetteville Presbytery—Rev E. H. Harding, Rev F. H. Johnston and Elder Geo. W. Wharton.

To prepare an Address to the Churches on the state of Religion in the Synod—Rev A. Currie, Rev M. McQueen and Elder L. McLaughlin.

On Treasurer's Account—Rev D. Fairley and Elders H. J. McDowell and Patrick Murphy.

On the Minutes of the General Assembly—Rev H. L. Singleton, Rev D. E. Jordan and Elder M. McKinnon.

On Union Theological Seminary—Rev H. L. Singleton, Rev J. Henry Smith and Elder J. C. Wharton.

On Leave of Absence—Rev David Fairly, Rev Colin Shaw and Elder L. McLaughlin.

On the Report of the Trustees of the Synod—Rev J. M. Sherwood, Rev L. McKinnon and Elder W. K. Comarrie.

The reading of the report of the Board of Directors of Union Theological Seminary of Virginia was called for and proceeded with.

On motion of Rev. Jacob Doll the report was accepted and referred to the Committee to consider the report of this Seminary.

An Overture from the Fayetteville Presbytery for the formation of a new Presbytery from its present territory, to be known as Wilmington Presbytery, was submitted by Rev. J. B. McPherson, Stated Clerk of that Presbytery, and referred to the Committee on Bills and Overtures.

Absentees from roll call at the close of the last annual session of the Synod were announced and excuses heard.

Reports from the several Presbyteries on Systematic Benevolence were called for and submitted.

On motion, they were severally received and ordered to be printed in the appendix to the minutes.

The report of the committees appointed to prepare a sketch of the life and labors of the late Rev. Robert Tate was called for, but the committee reported that they were unprepared.

A biographical sketch of the life and labors of the late Rev. Jas. Phillips, D. D., was submitted by the chairman of the committee appointed for that purpose. On motion, the report of the committee was accepted and ordered to be spread upon the minutes.

The report of the committee to prepare a memoir of the late Rev. A. Wilson, D. D., was called for, but deferred from want of publication.

Similar sketches regarding the late Revs. Stephen Frontess and W. S. Pharr were read and submitted, and ordered to be filed with the papers of the Synod.

Rev. J. Rumples here announced the death of Revs. Jno. D. Wilson and W. B. Watts, Ministers in Concord Presbytery, which occurred during the past year. A brief sketch of lives of each was ordered to be prepared and a committee appointed for that purpose.

The death of Rev. Daniel Johnston, of Fayetteville Presbytery, was also announced and a committee appointed to report on his life and labors.

The report of the Trustees of the Synod was then submitted and referred to the proper committee.

On motion, an address on Education by Rev. Dr. Hamner was made the special order of the day for the afternoon session.

On motion the address on Publication, by Rev. E. T. Baird, of Richmond, Va., was made the order for to-morrow, 11 o'clock. Following this will be an address on Sustentation and Foreign Missions, by Rev. J. L. Wilson, D. D.

On motion of Rev. Mr. Davis, the Synod took a recess until 3 o'clock, P. M.

But little business was transacted during the afternoon session of the Synod.

Rev. Neil McKay, the Synodical Agent, submitted his report on Education with accompanying resolutions.

Lengthy addresses were then made on this subject by Rev. Dr. Hamner and Rev. Dr. Baird.

These occupied the entire afternoon session, and the Synod took a recess until after evening service without action on the resolutions accompanying the Synodical Agent's report.

THURSDAY, NOV. 19.

NIGHT SESSION.

The Synod met in accordance with adjournment for recess, and continued the discussion upon the subject of Education.

Rev. G. W. McPhail, D. D., appeared and gave a satisfactory excuse for tardiness.

Adjourned, with prayer, until 94 A. M., Friday.

THURSDAY, NOV. 19.

FRIDAY, NOV. 20.

The Synod met and was opened with prayer.

The roll was called and the minutes read and approved.

Elders Wm. A. Faison and John H. Murphy, of Fayetteville, appeared and took their seats.

Rev. J. G. Wilson, of the Synod of South Carolina, was invited to sit as corresponding member.

The resignation of Elder D. A. Davis, of

his office of Treasurer of the Synod, was tendered by letter and accepted. A resolution of thanks for his faithful services was adopted.

Elder Jesse H. Lindsay was chosen Treasurer of the Synod.

The report of the committee on Bills and Overtures, on the Overture from Fayetteville Presbytery, praying for its division, was accepted and adopted.

The committee on the report of the Trustees of the Synod made their report which was accepted and adopted.

Morganton was chosen as the place of the next meeting of the Synod, and Wednesday before the first Sabbath of October, 7 o'clock P. M., 1869, the time.

The committee on the records of Orange Presbytery reported that they have examined and recommended that they be approved as far as written—to page 475. Their report was accepted and approved.

The Synodical Agent of Publication read his report, which was accepted and referred to a committee consisting of the several Presbyterial Agents, viz: Rev. Messrs. Fairley, Harding and Smith.

Rev. E. Thompson Baird, D. D., of Richmond, Va., then addressed the Synod, by invitation, on the subject of Publication, which consumed the remainder of the morning. Recess until 3 P. M.

AFTERNOON SESSION.

The Synod met according to adjournment.

The committee to whom was referred the report of the Synodical Agent of Publication and Colportage made their report, which was accepted, and after being amended, was adopted.

The report of Fayetteville Presbytery, on Systematic Benevolence, was received and ordered to be spread on the minutes.

The report of the Synodical Agent on Sustentation was read and received, and the Agent was requested to prepare an abstract for publication in the appendix to the minutes.

The Synod was then addressed by Rev. J. L. Wilson, D. D., on the subject of Sustentation.

A committee of three was appointed to prepare a plan of systematic collections, and report the same to the Synod as soon as possible.

The Synod then took a recess until 7 o'clock P. M.

[THIRD DAY'S PROCEEDINGS.]

FRIDAY, NOV. 20.

NIGHT SESSION.

After public worship the Synod met and took up the third order of the day, viz: to hear the report of the Synodical Agent of Foreign Missions. This was read, received and ordered to be spread in the appendix to the minutes, and the resolutions appended were adopted.

Rev. J. L. Wilson made an interesting address on the subject of Foreign Missions.

The Synod adjourned, with prayer, until 9 o'clock A. M., Saturday.

[FOURTH DAY'S PROCEEDINGS.]

SATURDAY, NOV. 21.

The Synod met and was opened with prayer; the roll was called, and the minutes were read and approved.

It was resolved that the Synod will hereafter call upon Ruling Elders, in the same manner as upon Ministers, for their excuses.

The report of the Judicial committee was read and accepted, and the committee discharged.

The committee on the records of Concord Presbytery presented their report, which was accepted and adopted.

The committee on the Minutes of the General Assembly submitted their report, which was read, accepted and adopted; and it was ordered that the report should be read before the congregations by all the ministers.

The committee appointed to prepare a plan of systematic collections made their report, which was read and accepted.—After some earnest discussion, it was referred to a committee of seven to prepare a new report and present it at the next meeting of the Synod.

The committee to prepare an address to the Churches read their report, which was accepted and ordered to be printed in the appendix to the minutes, and in the North Carolina Presbyterian.

The unfinished business was then taken up, viz., the consideration of the resolution contained in the report of the Synodical Agent on Education.

Rev. G. W. McPhail, D. D., President of Davidson College, addressed the Synod in a stirring appeal in behalf of our Theological Students.

After much discussion, recess was taken until 3 P. M.

AFTERNOON SESSION.

After recess the Synod met.

The Statistical Report of the Synod to the General Assembly was read by the Stated Clerk. On motion, the report was accepted and ordered to be forwarded to the General Assembly.

The Stated Clerk was ordered to cause 1,000 copies of the minutes of the Synod to be printed.

The committee on the minutes of Fayetteville Presbytery reported, approving said minutes as far as written. The report was received and adopted.

On motion, the minutes of to-day's session were read thus far, corrected and approved.

The Chairman of the committee on the Treasurer's account read his report, which was received and adopted.

The unfinished business, the first resolution of the committee on Education, was taken up, and, on motion, adopted. The second resolution was withdrawn; the third laid on the table, and the fourth adopted. They were then adopted as a whole as amended.

On motion, it was resolved to place the reports of Synodical Agents on the objects of benevolence at the disposal of the editor of the North Carolina Presbyterian for publication.

On motion, the order requiring agents to furnish condensed abstracts for the minutes was rescinded.

The resolutions appended to the report

of the Agent of Sustentation were taken up and the first and second adopted.

On motion, resolution 5, page 12, of the minutes of 1867, was rescinded.

On motion, the resolution fixing the time of meeting of the Synod was reconsidered, and the time fixed for the second Wednesday of October, 1869, at 7 o'clock, P. M.

The committee on the memorial of the late Rev. Robert Tate was continued.

A resolution in regard to furnishing the rooms of Davidson College was adopted.

The committee on Devotional Exercises made a report and was discharged.

It was then resolved that Rev. G. W. McPhail, D. D., and others be heard upon the interests of Davidson College after public service to-night.

Leave of absence was granted to four members.

The Synod then took a recess until after public worship.

The night session was occupied principally by the addresses of Rev. J. W. McPhail, D. D., and others in the interest of Davidson College.

After taking some action in this behalf, the Synod of 1868 adjourned sine die.

From the Raleigh Sentinel.

LEGISLATURE OF NORTH CAROLINA.

SENATE.

WEDNESDAY, NOV. 18, 1868.

UNFINISHED BUSINESS.

The motion of Mr. Respass to allow Mr. Avery, Senator elect from the 41st District, to qualify and take his seat, was considered.

Mr. Barrow desired information in reference to Mr. Avery's eligibility.

Mr. Long, from the committee, stated that Mr. Avery had been before the committee, and they had learned from him that he had held the office of County Solicitor before and during the war, but had not taken any oath to support the Constitution of the United States, that he could recollect.

Mr. Barrow said that it was clear to him that any person having held the office of Solicitor was compelled by law to take an oath to support the Constitution of the United States. The Senator does not remember whether he took the oath or not, but the presumption is that he did take the oath as the law required. There was no doubt in his mind that the office of Solicitor was a judicial office, and it was also the opinion of three of the Supreme Court Judges. He had heard, with much surprise, that Judge Brooks had decided to the contrary, and had even gone so far as to decide that a magistrate was not a judicial officer. It was clear to his mind that the Senator was ineligible, and therefore he should vote against the motion.

Mr. McLaughlin said it was equally clear to his mind that the office of County Solicitor was not a judicial or executive office of the State, but simply ministerial; and the question whether Mr. Avery did or did not take an oath was a matter of no moment. Senators are compelled to construe the laws as they understand them, and he did not think much reliance should be placed on the ruling of Judge Brooks, who was only a Supreme Court Judge. When the Supreme Court makes a decision it was time enough to bring that matter up as evidence. If the Senator had been elected by negroes, instead of a white constituency, he would have been admitted at once.

The Chair called him to order, on the ground that he was casting reflections upon the motives of Senators.